

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

Case No. 2:15-cr-334-APG-NJK

4 Plaintiff,

v.

**Findings of Fact, Conclusions of Law
And Order**

5 REGINALD WEAVER,

6 Defendant.
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9 **FINDINGS OF FACT**

10 Based on the motion made by government counsel, and good cause appearing
11 therefore, the Court finds that:

12 1. On or about October 3, 2024, the defendant waived indictment and pleaded
13 guilty to a one count criminal information charging him with a Violation of the Sexual
14 Offender Registration and Notification Act (“SORNA”) in violation of 18 U.S.C § 2250(a)
15 in case number 2:24-cr-00188-RFB-BNW, ECF 7. A sentencing hearing is set in that matter
16 for January 17, 2025. 24-cr-188, ECF 17.

17 2. On or about March 6, 2023, the Court issued an arrest warrant for the
18 defendant in case number 2:15-cr-334-APG-NJK on a petition for revocation of supervised
19 release. ECF 122. After his initial appearance, the defendant was detained pending a
20 revocation hearing. ECF 126. Following the defendant’s guilty plea in case number 24-cr-
21 188, Probation Officer Bryce Stark filed an addendum to the petition for revocation, dated
22 October 10, 2024, which alleges additional supervised release violations arising from the
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1 defendant's SORNA violation. Currently the revocation hearing is set for January 7, 2025,
2 at 1:30 am. ECF 149.

3 3. The defendant's plea agreement in case number 24-cr-188 contained the
4 parties' agreement for a global resolution of both the SORNA case and the revocation
5 petition, 24-cr-188, ECF 6. The plea agreement is not binding on the Court.

6 a. Case number 24-cr-188: The defendant has pleaded guilty. The plea
7 agreement contemplates an adjusted offense level of 12. The PSR calculated the guidelines
8 lower than that contemplated in the plea agreement. Upon further consideration, the
9 parties have agreed the PSR calculation is correct. As a result, the parties have now agreed
10 that they will jointly recommend an 18-month custodial sentence. The parties will also
11 jointly recommend that a five-year term of supervised release be imposed, concurrently to
12 any supervised release term imposed in case number 15-CR-334.

13 b. Case number 15-cr-334: (i) The plea agreement contemplates that
14 the defendant will appear and admit to violating the conditions of his supervision. and will
15 further jointly recommend that that the district court sentence defendant to 24 months in
16 custody. Given the reduction in the guidelines in case 24-cr-188, the parties have now
17 agreed to also jointly recommend 18 months in custody for the revocation matter. The
18 parties will jointly recommend that the two custodial sentences run concurrently to each
19 other. The government reserves the right to argue that a new seven-year term of supervised
20 release should be imposed. The defendant reserves the right to argue that a new five-year
21 term of supervised release should be imposed but will not argue for any supervised release
22 term of less than five years.

1 (ii) On or about October 10, 2024, the United States Probation Office filed a
2 sentencing recommendation that provides for a 24-month custodial sentence followed by
3 84 months of supervised release concurrent to any supervised release term imposed in the
4 SORNA case. Probation also recommends that the sentence for violating supervised
5 release should run consecutive to the sentence in the SORNA case.

6 4. The Court must decide whether the revocation sentence should run
7 concurrent or consecutive to the SORNA sentence. In order to do that, the SORNA
8 sentence must be imposed before the revocation sentence. Accordingly, the government is
9 seeking to continue the revocation hearing currently set for January 7, 2025, to a date and
10 time after the January 17, 2025 sentencing hearing in the SORNA case.

11 5. Additionally, the government needs the defendant's supervising probation
12 officer, Officer Stark, to be present at the revocation hearing so that the Court can hear
13 from him about the defendant's compliance with the conditions of release. Officer Stark is
14 currently out of district for medical reasons and his return date is presently unknown.
15 However, Officer Stark advised undersigned counsel today that he should be available 30
16 days after the current January 7, 2025 hearing date. Accordingly, for continuity of
17 Probation Officer Stark's participation, the government asks that the matter be continued.

18 6. The additional time requested herein is not sought for purposes of delay, but
19 merely to allow the continuity of Officer Stark's participation, and to allow the Court to
20 properly address the consecutive/concurrent issue at sentencing. The defendant is detained
21 pending sentencing in the SORNA case, which is set for January 17, 2025 and the
22 defendant will not be prejudiced by the continuance requested herein. Additionally, denial
23 of this request for continuance could result in a miscarriage of justice, and the ends of
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1 justice served by granting this request, outweigh the best interest of the public and the
2 defendant in a speedy revocation hearing.

3 7. Defense counsel has advised the government that the defense opposes the
4 requested continuance.

5 8. This is the second request to continue the hearing by motion. The matter has
6 previously been continued five times.

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8 **ORDER**

9 THEREFORE, IT IS HEREBY ORDERED that the sentencing hearing in the
10 above-captioned matter, currently scheduled for January 7, 2025, at 1:30 p.m., shall be
11 vacated and continued to February 11, 2025, at the hour of 1:30 p.m. in Courtroom
12 6C.

13 DATED this 2nd day of January 2025.

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HONORABLE ANDREW P. GORDON
UNITED STATES DISTRICT COURT JUDGE